

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO: 4:11-CV-00127-BR

AVIVA LIFE & ANNUITY COMPANY,)
Plaintiff,) ORDER
v.)
JACKIE B. HINTON,)
WILLIAM KENNETH DIXON,)
RACHEL C. PIERCE,)
RICHARD THOMAS WHITLEY,)
Defendants.)

This matter is before the court on plaintiff's motion to deposit funds with court pursuant to Federal Rule of Civil Procedure 67. The motion represents that defendants stipulate to the deposit of funds and the dismissal of plaintiff from this action. Accordingly, the motion is ALLOWED. It is hereby ORDERED that:

1. Plaintiff deposit into the registry of this court the amount of \$146,492.63, plus interest at the current rate of 3.0% per annum compounded daily from December 20, 2011 through the date of deposit;
 2. Upon deposit of said funds, the Clerk is DIRECTED to deposit the funds in accordance with 28 U.S.C. § 2041;
 3. Upon deposit of said funds, defendants are enjoined from bringing or prosecuting any action in any federal, state, or administrative forum against plaintiff relating to the annuity policy issued to Ravenell Holland Cayton, Policy Number 555464 (the “Policy”), or benefits due under the Policy;

4. Upon deposit of said funds, plaintiff is discharged from any and all liability relating to the Policy and benefits due under the Policy and is DISMISSED from this action with prejudice; and,
5. Within 20 days of deposit of said funds, defendants are DIRECTED to interplead in this cause of action and assert such claims to the Policy proceeds as they shall have or forever be barred therefrom.

This 24 February 2012.



W. Earl Britt
Senior U.S. District Judge